

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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MARTIN L. COLLINS,

Plaintiff,

vs

5:08-CV-1285

US BANK NATIONAL ASSOCIATION, as  
Trustee the Mstr Asset-backed Securities  
Trust; RYAN P. HANA, ESQ., Attorney for  
the Defendant; and AMERICAN REAL ESTATE  
COMPANY OF CNY, all of Defendants Agents,  
Marshal for the City of Syracuse and Police of  
City of Syracuse & any 4<sup>th</sup> Party in Illegal  
Contract w/American Real Estate Company  
of CNY on or after 24<sup>th</sup> October 2008, for  
Possession of Real Property @ 403 Fitch Street,

Defendants.  
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U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

DEC 02 2008

LAWRENCE K. BAERMAN, Clerk
UTICA

APPEARANCES:

OF COUNSEL:

MARTIN L. COLLINS
Plaintiff, Pro Se
403 Fitch Street
Syracuse, NY 13204

DAVID N. HURD
United States District Judge

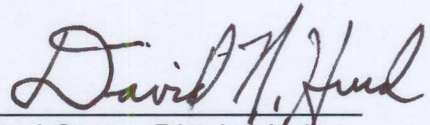
ORDER

Plaintiff's application to proceed without prepayment of fees is DENIED without prejudice to renew. Plaintiff has failed to answer the second part of Question Nos. 3 and 4 after answering "Yes" to the first part.

Plaintiff's application for an Order to Show Cause with temporary restraining order is DENIED because, among other reasons, an action is pending in state court.

Plaintiff shall file a new application or pay the filing fees within thirty (30) days of the date of this order. Failure on the part of plaintiff will result in the complaint being dismissed by the clerk without further order.

IT IS SO ORDERED.


United States District Judge

Dated: December 2, 2008
Utica, New York.